

**U.S. Department of Energy
Transportation External Coordination Working Group (TEC)
Rail Topic Group Conference Call
Tuesday, June 3, 2003**

Summary:

The U.S. Department of Energy (DOE) Transportation External Coordination Working Group (TEC) Rail Topic Group held a conference call on Tuesday, June 3, 2003. Steven Hamp, DOE-National Transportation Program – Albuquerque, led the discussion. Other participants included Kevin Blackwell (Federal Railroad Administration), Peter Bolton (Booz-Allen and Hamilton), Michael Conroy (DOE-Office of Transportation), Robert Fronczak (American Association of Railroads), Corinne Macaluso (DOE-Office of Civilian Radioactive Waste Management), Roger Mulder (Texas Energy Conservation Office), Ken Niles (Western Interstate Energy Board), Ellen Ott (DOE-Office of General Council), Phillip Paull (Council of State Governments-Eastern Regional Conference), Rich Roberts (International Union of Police Associations), Mike Rowswell (National State Rail Managers' Association), Jennifer Salisbury (Western Governors' Association, Consultant), Lisa Sattler (Council of State Governments-Midwestern Office), Ralph Smith (DOE-Carlsbad Field Office), Alex Thrower (DOE-Office of Transportation), Jeff Winkel (Washington TRU Solutions), and Sue Martindale (SAIC, Topic Group Support).

Mr. Hamp began the call with a round of introductions, followed by a brief overview of the purpose of the TEC Rail Topic Group effort. First, he explained that the topic groups are a functional part of the larger TEC and that they enable participants to focus on key issues at a level not obtainable in the larger group. Topic groups meet separately at TEC meetings and by conference calls between meetings, and participants work on specific topics and report back to DOE via the larger TEC membership. The topic groups work on significant issues of interest to TEC members, produce a product(s), and sunset when that work is completed.

Mr. Hamp added that the original Rail Topic Group (1997-1999) was formed to discuss issues and concerns regarding rail transportation of radioactive materials by the Department. The topic group was reactivated in January 2002, and held its first meeting at the TEC meeting in New Orleans, Louisiana, where the group identified and prioritized new issues (additional information can be found at <http://www.ntp.doe.gov/tec>).

On June 26, 2002, the Rail Topic Group held a conference call, the focus of which was to select a topic of interest for the group to work on. Consensus was to develop a discussion paper that emphasized two things: (1) a summary of current practices for routing rail shipments and a discussion of potential alternative regimes, and (2) a look at potential rail routing, using (as an initial basis) highway routing practices. Action Items from the call included the development of a brief outline and "Strawman" report that would be circulated to the group for review and comments, followed by another call to review those materials. The following fall, the topic group's activities were put on hold pending DOE decisions on the direction of TEC. Mr. Hamp said he was happy to report that TEC is still an ongoing activity, and the next meeting will be held in July 2003. As a result of the TEC path forward, in April 2003, the Strawman report was

distributed to the Rail Topic Group for review and comment. Comments received were organized into a matrix. At the group's request, the comments will be made available to the Rail Topic Group and will be posted on the TEC Web site. Mr. Hamp went on to say he hoped the Rail Topic Group would gain momentum and move forward with the discussion paper.

The call was then opened for questions and input from the group.

Mr. Blackwell asked if the purpose (in reference to the Strawman report) of the group is to: (1) look at where the group now stands (with rail transport and the process of routing shipments), and look at the issues regarding potential rail routing regulations that might be mandated by Congress; or (2) look at the previous routing paper with an emphasis on rail.

Mr. Hamp said he was planning to talk about the purpose of the Strawman report. He said (from his perspective) the purpose is closer to the first option Mr. Blackwell mentioned. The second option would not be the focus, but some detail would be captured to develop a platform so participants and interested members would have significant understanding of how rail routing is done today. The group could look at the foundations and possible scenarios.

Mr. Paull interjected there are no Northeastern State representatives on the Rail Topic Group; he will provide names of potential state representatives to participate.

Mr. Blackwell mentioned, as he had made numerous comments on the 1998 Routing Report, he did not submit comments on the recent Strawman report. Mr. Hamp added the knowledge base was there and was used as a starting point. Mr. Paull added that his understanding of the Strawman report was that it was looking back, not forward. Mr. Hamp replied that is a legitimate perspective. The intent was to look at it from an outline perspective and try to capture parts the group wants to develop overall and, from there, make writing assignments to group members.

Mr. Blackwell said the old routing document was not mode specific. He suggested adding a section for recommendations, which would then go through the TEC process with the stakeholders. The recommendations could be made after the document reached its final stages. Mr. Hamp added the Rail Topic Group's products are discussion papers rather than recommendations to the larger TEC. He would need to consider if it is appropriate to provide recommendations.

When asked if this is just a white paper or something looking forward and how the Strawman report is different from the 1998 routing paper, Mr. Hamp responded the earlier paper discussed both highway and rail. No regulatory approaches mandated for rail routing options exist similar to those for highway. Also, after presenting a platform for how rail routing decisions are made, the group can hypothesize. For example, if a rail routing approach is developed, the pros and cons of alternative approaches could be discussed. The group needs to build a platform on the current regulatory practice using a forward-looking approach.

A discussion followed on whether the focus of the topic group would be primarily rail routing. Mr. Hamp noted, that at the end of the last conference call the group had explored several

options and the consensus was to focus on rail routing. Mr. Hamp added there are multiple issues of concern within the group. The group may explore other topics and needs to decide how many topics to address.

Mr. Roberts expressed his interest in practices and policies that could affect security and law enforcement and requested this be introduced at some point. Mr. Hamp said the issue of rail security and local law enforcement was introduced at the January 2002 TEC meeting where it was recommended a Security Topic Group be formed. He added that if a Security Topic Group were not formed, certainly, the Rail Topic Group could look at the issue of security and decide if they want to include it. Mr. Thrower added that security is part of a larger issue, and the intent with the Rail Topic Group was to bound the scope of what would be discussed and then identify potential alternatives, if appropriate. Mr. Blackwell agreed and mentioned this was brought up in 2000. If a rail routing discussion is promulgated, security is an issue regardless of the route used. The object is to get an understanding of what comes into play regarding the rail-operating environment (i.e., avoiding high population areas). If rail shipments were routed around high population areas, the quality of the track would not be as good, which would decrease the speed of the train. Also, in avoiding high populations, the distance and how you reach your destination is changed. In rail routing, you are not always going to get what you want. He suggested the group note the rail-operating issues: pros, cons and impacts.

Mr. Roberts added he was aware of the significant differences between transporting hazardous materials on the highway versus rail. He said he hoped both forms of transportation are being explored in the context of security issues. Mr. Hamp replied that Mr. Roberts had a good point. As the group looks at rail routing, security may be of more importance than it used to be. Mr. Roberts responded that some well-known aspects of security could be discussed openly, such as basic security procedures and policies. However, specifics need to be avoided. Mr. Hamp agreed.

Mr. Paull said, in addition to routing, there are a number of rail issues that are legitimate on their own, such as inspections and how they are handled. Rail inspections are an issue that involves all states. Mr. Hamp agreed, saying routing should be considered as one of many issues. Other issues can be addressed and explored sequentially.

Additional Comments or Clarifications on the Strawman Report

Mr. Hamp then asked the group to address the purpose of the report (as stated in the Introduction) as it is, perhaps, the basic foundation for this particular product. Mr. Blackwell suggested adding the word “alternative” in item number (4) of the Introduction. He said it is clear there are no regulatory regimes for rail routings. Mr. Thrower said it should state “potential” regulatory regimes based on introduced (but not enacted) legislation, and Mr. Fronczak asked if the group was saying it wanted to explore regulatory policies? Mr. Hamp answered regulatory policies are not being explored, rather, the document is looking at the pros and cons of hypothetical policies. Recommendations could be added. Mr. Blackwell stated that in the event that Congress mandates rail regulations, it would need to be clear that no regulatory discussions are currently going on. Once it is mandated to draft regulatory works, regulations can’t be discussed. Mr. Hamp added this, currently, is all speculative. The group can look at recent proposals, directions people are considering, and build hypothetical scenarios. Ms. Sattler

confirmed this is very speculative and added she felt uncomfortable researching writing a paper that would only be used if Congress decides to mandate regulations. She said the group should consider comparing the routing practices of the two different modes and see to what extent highway practices could be applied to rail routing. Mr. Hamp said there are not many examples to draw upon and added that Ms. Sattler's proposal to make the paper more simple and straightforward made sense. When comparing highway pros and cons with rail routing, Mr. Blackwell said not to use the terms 'regulatory regimes' and added he would like to be specific as to the actual real world things for rail routings versus highway routing, to produce an educational document, at least.

Mr. Hamp surmised, that looking at the purpose of the document in the Section I (*Introduction*), item number (2) should be deleted as the legislative and regulatory proposals are not easily identified, and item number (4) should be more specific between highway and rail. He then asked the group if that would simplify and focus the report.

Both Mr. Fronczak and Mr. Blackwell concurred. The group raised no objections and Mr. Hamp concluded that those changes could be made.

Group Discussion on Strawman Report

Mr. Hamp started out saying the document was divided into sections. Although there was no section for recommendations, they could be included. He reported he had received multiple comments on wording and would like to focus on the outline (i.e., has anything been left out? Is the outline appropriate?)

Ms. Sattler suggested that Section VI, *Issues and Proposed Alternatives to Current Rail Routing Practices*, be deleted.

Mr. Blackwell said the document could show how highway issues could roll over to rail issues.

Mr. Hamp added that, clearly, Section VI had changed and would need a new title to reflect the purpose of the paper.

Mr. Sattler asked where the protocols (DOE M460.2-1, *Radioactive Material Transportation Practices Manual*) would be addressed. Mr. Hamp answered the protocols would be better captured in Section IV, *DOE Practices, Plans and Responsibilities*.

Mr. Hamp concluded the discussion confirming the outline for the document is acceptable except for Sections I and VI. The report will be rewritten, then distributed to the group to review the new wording describing the purpose of the paper in Section I.

Path Forward: Approach and Next Steps

Mr. Hamp then asked for volunteers, who are experts or can contribute to the topic, to sign up for various sections as well as a lead to coordinate each group for writing the next draft of the document.

Mr. Blackwell asked about the timeframe for the production of the document. After a brief discussion, it was decided a working draft would be completed in 3 months, at which time the group would have another conference call, solicit comments, and then proceed to complete the overall product in 6 months. With the timeframe identified, the next item on the agenda was to solicit volunteers from the group.

Volunteers for Writing Assignments

Mr. Niles proposed having a State representative on Section IV (*DOE Practices, Plans and Responsibilities*) and a DOE representative on Section V (*State Involvement in and Perspectives on Route Selection*) in order to have different perspectives. Mr. Hamp agreed a cross-reference perspective on various subject matters was a very good idea.

Section II: Current Rail Routing Regulatory Structure

Lead: Kevin Blackwell

Robert Fronczak, Kenneth Niles

Note: Mr. Blackwell asked if this section would encompass safeguards regulations? Mr. Hamp replied that they were initially in the document and asked the group for input. Mr. Blackwell added that the NRC regulations could be included.

Mr. Paull added that the safeguards regulations needed to be addressed without including significant detail. Mr. Blackwell concurred. Mr. Thrower said to only include what was in *Federal Register* notice.

Section III: Industry Practices

Lead: Robert Fronczak

Kevin Blackwell, Timothy Runyon (volunteered by Lisa)

Section IV: DOE Practices, Plans, and Responsibilities

Lead: Steven Hamp

Michael Conroy, Alex Thrower, also suggested Scott Ramsay (not on the call)

Section V: State Involvement in and Perspectives on Route Selection

Lead: Kenneth Niles

Phillip Paull, Mike Rowswell, Lisa Sattler, and someone from DOE (Ray English was suggested). Mr. Hamp offered to contact Ray to ask if he would be willing to participate.)

Section VI: Comparison Section (formerly Issues and Proposed Alternatives to Current Rail Routing Practices)

Lead: Alex Thrower (Steven Hamp volunteered to work with him)
Phillip Paull, Lisa Sattler

Ms. Sattler suggested the team leaders from the other sections also work on this section. Mr. Hamp stated this section requires participation from the entire group. For now, just the initial group is needed to start, and then the paper will be open for all to review.

Mr. Fronczak asked if this is assuming the leads will take a stab at writing something and then routing to the group. Mr. Hamp said he would prefer to send the document out to the group as a whole, not in drafts. Individual sections should be sent to Mr. Hamp with a copy to Ms. Martindale. A compiled version would then be sent to all members for review.

Action Items:

1. Distribute the matrix of comments received on the Strawman report to the Rail Topic Group and the TEC Web site (Sue Martindale).
2. Rewrite the purpose statement in Section I of the Rail Routing Practices and Proposed Alternatives document (Steven Hamp). Distribution of the revision to the group (Sue Martindale).
3. Schedule the next call for August 19, 2003 and add the schedule to the meeting summary (Sue Martindale).
4. Distribute the meeting summary to the group (Sue Martindale).
5. Contact Scott Ramsay and Ray English to inquire on their availability to support writing assignments (Steven Hamp).
6. Contact Tim Runyon about his participation on a writing assignment (Lisa Sattler).
7. Provide names of potential State representatives from the northeast region for the topic group (Phil Paull).
8. By August 29, 2003, provide a working draft for each section to Steven Hamp (section leads).

The next conference call is tentatively scheduled for August 19 (Tuesday), 11:00 a.m. EDT.